

**Dayton Planning Board**  
**April 9, 2019**

**Members Present:** Dan Plourde, Darren Adams, Bruce Reynolds, John Boissonnault, Shannon Belanger

**Town Employees Present:** Jim Roberts (CEO), Linda Bristol (Secretary)

**Administrative:**

Meeting Minutes were read from March 19, 2019. Darren Adams made a motion to accept the minutes and John Boissonnault seconded the Motion. All voted in favor.

**Old Business:**

Craig Durocher came in to discuss his Conditional Use Permit amendment request. He has met with the Selectmen and they approved him to be able to sell his wine on site.

Craig had a question about the trailer on the road.

Jim said that the trailer has been there for years. It was subdivided years ago. There is an apartment behind it and he has a meeting tomorrow to see what's there. If it is a dwelling, changes will need to be made.

Craig said he is looking for ways to improve the road to be drivable. He has ordered two and a half loads of gravel. He sent his neighbor (Littlefield) a bill for the labor and gravel because she said that she owns the road. Craig said they are trying to do things the right way and his neighbor is trying to do them the wrong way.

John asked Craig if he has found anything showing that he can go 16 feet wide with the road.

Craig said he is bringing up what they are using, 12 feet and 16 feet, up to drivable.

John asked why he sent her a bill.

Craig said it is because she says it is her road, but she is not maintaining it.

John said he gets what Craig is saying, but he may or may not get paid for it.

Craig said he needs someone to tell him he can do it. The Town can't, Jimmy can't, only a black robe can. He needs to be told who is right or wrong. He is not out to make problems.

Shannon said that Craig needs to have a lawyer give you a legal opinion. He also needs a surveyor.

Craig said that he does not know who surveyed his 12-foot right-of-way.

Shannon stated that a surveyor can clarify it. He needs a Boundary Plan.

John said this has nothing to do with the Planning Board.

Craig said they are okay with 25 people but would have liked a little more.

Shannon said the Selectmen have approved selling and Dan said that the Board asked him to have the Selectmen approve the selling.

Jim said that the Planning Board got ahead of the Selectmen. They should have gotten approval from the Selectmen first.

Shannon said we are looking at brewing wine, tasting wine, and selling wine on the Conditional Use Permit. We should include the other retail items on the Conditional Use Permit.

Dan brought up the recommendations that the Fire Chief sent. He is concerned about upgrading the road for emergencies. Also, he would like only 20 people inside the building at one time. Also, the ADA requires two exits and a ramp to the bathroom.

Jim stated that the doors need to open out. And, agreed that a ramp is needed to the bathroom.

Craig said that there is a shower in there.

Dan noted that if the fixture is there that it needs to be handicap accessible.

Shannon noted that the letter from the Chief doesn't address the ADA.

Dan said that if the Board gives permission for 25 people, and the Fire Chief says 20, then the Town could be responsible if something should happen. Dan thought the Conditional Use Permit should be amended to 20 people inside with a total of 25 people with 5 outside.

Craig said they are hoping to make the bonded warehouse area into a new bar area.

Dan explained that the Chief can only work with what they have now.

Dan noted that he does not object to extending the hours to 9 PM.

Darren said that he didn't think anyone at the meeting had a concern about the hours. They were more concerned about the road and traffic.

Jim added live band concerns and Dan said entertainment scared them.

Darren asked if with fewer people would entertainment even be considered and Craig said it would not pay to do it.

Jim noted that if it did get too loud and there were complaints then the Town would have to monitor it.

Darren thought it should be kept low.

Craig said they are trying to pre-think and get ready for summer.

Dan said the road needs to be plotted where it is and Bruce noted that a turn-around needs to be shown for emergency vehicles.

Craig said there is plenty of room.

Dan said he does not know what could be done with the dangerous curve on Route 35 and said the existing permit was allowed without safety concerns.

Craig said that nothing has happened in the last eight months.

Jim said that if something happens and there are over 20 people inside, it would be on the Town.

Dan said the Town has code requirements for access. And asked how many houses are on the road.

Jim said there are four now.

Craig said there are actually five houses as there are two on the hill.

Jim stated that one is not on the road. It is on Route 35 so there are really only four houses.

Dan noted that he is only open three days but there is still a safety issue with the other four days. That is why we asked for the Chief's comments.

John said we really can't look at the issue with Route 35.

Dan said the neighborhood is grandfathered, but now he is putting a business in.

Shannon said that the Board did grant permits and they cannot be taken away.

Jim said that we can as far as going to 20 people.

Craig said they are okay with 20 people inside and 25 total, with 5 outside.

Dan noted that insurance could be a problem.

Craig said his place is small and people have enjoyed going there.

Shannon asked that a site be delineated for a turn-around.

Dan asked that it be marked out somehow.

Bruce said that someone not familiar with the area won't know it is safe if not marked.

Jim agreed that it should be marked out.

Shannon noted that with the existing driveway he could have a hammerhead turn-around or a "T."

Dan asked Craig to mark it out and then have the Chief come back to look at it.

Craig said he can make a turn-around or a "T." He can light up the area 360 degrees.

Shannon asked if there is a light at the end of the road by Route 35. There is not.

Dan noted that the 12-foot access road issue is not solved.

Darren said that is for a Judge to resolve.

John said he can't imagine that the neighbors would not be thrilled to have the road upgraded.

Craig said somebody else needs to make the decision. He can't go to her (Littlefield) and talk about it and she won't come to him.

Bruce asked how long it has been since he sent her a bill and Craig said two weeks and he has not heard from her.

Darren asked how much the bill was for and Craig said under \$2,000.

Jim asked how come he only sent it to her.

Craig said because nobody else has claimed they own the road.

Craig stated that she is not going to work with them. So, he has to do what he has to do.

John said we can only amend certain things like going from 25 people to 20.

Craig said if they get it to 20 feet, they will reapply.

Dan said that access is still not resolved and noted that there are three things the Board can do:

- Change occupancy to 20 people inside with a maximum of 25 (5 outside).
- Extend the hours from 4 to 7 to 4 to 9.
- Allow alcohol to be sold on the premises.

Dan said that access and emergency vehicles cannot be resolved tonight.

Dan noted again that the Board would like the turn-around marked out.

John asked if a house with a 12-foot road would a truck go in and Jim said it would not.

Shannon said that noise (acoustics) is off the table now.

Jim said he is expanding use now.

Craig said he would like to find out who owns the small piece of land at the front of John Clark Road.

Craig said noise will not be above code.

Dan said if there are any complaints, they would have to be addressed.

Darren said that an amendment will be the delineation of the turn-around and Dan noted that he asked Craig to mark it out and have the Chief take a look at it.

Darren asked if the Board is making approval based on the emergency turn-around and then he is able to do the rest that is on the Conditional Use Permit.

Shannon said a document should be done and signed and approved.

Dan said Shannon will make up the document which will include:

- Delineation of the turn-around.
- Occupancy amended to 20 inside with a maximum of 25 (5 outside) on premises.
- Increase hours to 9:00 PM.
- Retail sales of other items to be allowed.

Jim noted the second exit out of the building needs crash bars that outswing.

Craig noted that as long as the second exit is open, it is an exit.

Dan noted that it needs to be latched open.

Craig said he will build a ramp to the bathroom wide enough for a wheelchair.

Dan noted that if the access is resolved it would be an incentive to grow.

Craig said their incentive is to move the business.

Shannon said she will have Findings for the next meeting.

Darren asked Craig how long it will take to mark off the turn-around and Craig said he would have it done by the weekend and will have the Chief come out.

Darren said if we can't widen the road we are at least doing what we can.

Dan asked Craig to have the Chief send an e-mail to the Board if the turn-around is okay.

Dan said the main thing is to get the customers in and out safely.

Darren said that if we have something from the Chief that the delineation is done, then we can go ahead.

Craig noted that he will keep operating as is and asked if he needed to be at the next meeting and Dan said that he does not need to attend.

Under other old business, Dan asked where the Board with the Wilkinson's. They were supposed to send a list of neighbors and they have done that. Shannon will e-mail them for some more information and invite them to the meeting on the 23<sup>rd</sup>.

**New Business:**

None discussed.

**Other Business:**

Dan asked Jim about the issue he brought up with sprinkler systems.

Jim said that he is concerned with adding \$10,000 plus to the building cost. He said you have to put sensors in.

Dan said he thought the Chief said that it could go off the existing system.

Jim stated that the plumbers said you could not do that because you need a separate system or pressurized tank.

Jim said that the purchasers of land from the Morse's got several (six) quotes. They were all very high--\$10,000 or more.

Dan said when we rewrote the code we eliminated ponds and only allowed sprinklers.

John felt this issue needs to be on top of our agenda.

Dan noted that as it is now, in order to get an occupancy permit, you need a sprinkler system.

Jim said hopefully by the next meeting we will have more answers. If we can get the minimum requirements, that's what we need to go by. He said it gives him a little heartburn adding \$10,000 plus to the building cost.

Dan asked if there was any more discussion and there was none.

Darren made a motion to adjourn and Shannon seconded it. The meeting adjourned at 8:00 PM. The next meeting will be on Tuesday, April 23, 2019, at 6:30 PM at the Dayton Town Office.

Linda Bristol Date: 4/23/19

Linda Bristol, Secretary

Dan Plourde Date: 4/23/19

Dan Plourde, Chairman

COPIES TO: Jim Roberts, Code Enforcement Officer; Selectmen; and Tax Assessor

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